IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.25271 of 2004

Between:

1 R. Jayachandra Naidu, S/o. R. Krishnama Naidu,
R/o. Padiredu Village, Vedamalapet Mandal,
Chittoor District.
2 P. Kuppa Swamy Naidu, S/o. P. Chengama Naidu,
R/o. Padiredu Village, Vedamalapet Mandal,
Chittoor District.
3 P. Mohan Babu, S/o. P. Rajamma,
R/o. Padiredu Village, Vedamalapet Mandal,
Chittoor District.

..... PETITIONERS

AND

1 The District Collector, Chittoor.
2 The Mandal Revenue Officer, Vadamalapet Mandal, Chittoor District.
3 Mandal Parishad Development Officer, Vadamalapet Mandal,

Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of mandamus, declaring the action of the respondents in interfering with the petitioners' possession of their agricultural lands situated in Survey Nos.286-3A 286-3B & 286-3C of Padiredu Village, Vadamalapet Mandal, Chittoor District and in making efforts to lay a road through the lands, without initiating any proceedings in law, as illegal and arbitrary and consequently direct the respondents not to interfere with the petitioners'

peaceful possession and enjoyment of the said land and to refrain from laying a road thereon.

Counsel for the Petitioners:MR.P.ROY REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25271 OF 2004

ORDER

The three petitioners are residents of Padiredu Village, Vadamalapet Mandal, Chittoor District. They are owners of agricultural lands in S.Nos.286-3A, 286-3B and 286-3C of Padiredu Village, as alleged in the Writ Petition. It is their case that second respondent visited the lands on 16.12.2004 and 28.12.2004 and marked the lands with a view to lay approach road to S.C., S.T., colony. Apprehending coercive dispossession without due process of law, present Writ Petition is filed.

Heard the learned counsel for the petitioners. It is too late in the day to assume that the executive which is entrusted with serine constitutional duty to obey rule of law would themselves violate rule of law. Mere allegation in the affidavit accompanying the Writ Petition to that effect would not be sufficient to issue Mandamus to prohibit the respondents once for all to acquire the land if the same is really required for laying road. Be it made clear if any of the petitioners' property is to be acquired or taken over for laying the road, officials would do well to follow rule of law and follow due process of law.

With the above observations, the Writ Petition is dismissed.

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(V.V.S.RAO, J)

31.12.2004

bnr

Note:Operative portion of the order

may be communicated by WIRE

at party's cost.

(B.O)

bnr

To

1 The District Collector, Chittoor.
2 The Mandal Revenue Officer, Vadamalapet Mandal, Chittoor District.
3 Mandal Parishad Development Officer, Vadamalapet Mandal,

Chittoor District.

4 Two CCs to the G.P. for Revenue,High Court Buildings, Hyderabad

(O.U.T)

5 Two C.D. Copies.